

Remarks

This paper is being filed in response to the Office Action dated September 30, 1999 and the Notice of Abandonment dated April 19, 2000. Reconsideration of the application is respectfully requested.

General comments regarding request for corrected filing receipt (page 2 of the Office Action)

On page 2 of the Office Action, the request for the corrected filing receipt was noted. The corrected filing receipt has been received.

Objections to the drawings (page 2 of the Office Action)

On page 2 of the Office Action, the drawings were objected to on the grounds that figs. 5, 24, 25, 26, 50, and 52 do not comply with 37 CFR 1.84(h) regarding the use of brackets on exploded views appearing on drawing sheets with other figures.

The basis for this rejection appears to be the informal drawings submitted with this case. However, formal drawings were submitted at the time of filing and the Patent Office's attention is directed to these formal drawings where brackets have been employed on the above noted figures.

It is therefore respectfully submitted that the drawings are in compliance with 37 CFR 1.84(h).

The drawings were further objected to under 37 CFR 1.83(a) on the grounds that the drawings must show every feature of the invention specified in the claims.

As to dependent claims 32 and 34, these claims have been canceled.

As to dependent claims 33, this claim has been canceled.

As to independent claim 44, the language relating to "compressed wood strands in right-angled layers and waterproof adhesive" has been deleted from this claim. (It is respectfully submitted that this claim remains allowable in light of allowable claim 41 that does not include such language.)

As to dependent claim 35 and independent claim 41 and as to the claim language on "the soffit extending between plural rafters," it should be noted that Figure 7 shows a soffit extending

between plural rafters. Further, the soffit can be seen in Figure 42 and Figure 42 can be related (at least via reference number 354) to Figure 45 that shows a plurality of rafters. On this basis therefore, applicants respectfully keep the claim language on “the soffit extending between plural rafters” in dependent claim 35 and independent claim 41.

It is therefore respectfully submitted that the drawings are now in compliance with 37 CFR 37 1.83(a).

Objections to the specification (page 2 of the Office Action)

On page 2 of the Office Action, it was stated that applicants should update the status of the related application in the first paragraph of the specification.

Applicants have updated such status.

Claim rejections under 35 U.S.C. § 112 (pages 2-3 of the Office Action)

On pages 2-3 of the Office Action, claims 29-45 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

As to claim 29, this claim has now been amended to relate the soffit to the roof overhang and wall structure with conventional “adaptable” language to make it clear that the claim is directed to the soffit only.

As to claims 29, 41 and 44, these claims have been amended to recited “following said travel.”

As to claim 36, this claim has been amended to read “the rafters comprise I-beams.”

It is therefore respectfully submitted that the claims are in compliance with 35 U.S.C. 112, second paragraph.

Claim rejections under 35 U.S.C. § 102 (pages 3-4 of the Office Action)

On pages 3-4 of the Office Action, claims 29-31, 35, and 39 were rejected under 35 U.S.C. 102(e) as being anticipated by Anthony. This rejection is respectfully traversed.

It should be noted that claim 29 has been amended to incorporate the subject matter of allowable claim 37. It is therefore respectfully submitted that claim 29 and its dependent claims are allowable.

Claim rejections under 35 U.S.C. § 103 (pages 4-5 of the Office Action)

On page 4 of the Office Action, claim 36 was rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony. This rejection is respectfully traversed.

As noted above, claim 29 has been amended to incorporate the subject matter of allowable claim 37. It is therefore respectfully submitted that claim 36, which is dependent upon claim 29, is allowable.

On pages 4-5 of the Office Action, claims 29, 30, 35, 36, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pinckney, Jr. This rejection is respectfully traversed.

Again, claim 29 has been amended to incorporate the subject matter of allowable claim 37. It is therefore respectfully submitted that independent claim 29 and its dependent claims are allowable.

On page 5 of the Office Action, claims 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony in view of Lambuth. This rejection is respectfully traversed.

To expedite prosecution of this application, claims 32-34, which are dependent claims, have been canceled.

Citation of potentially allowable claims (page 6 of the Office Action)

On page 6 of the Office Action, it was stated that claims 41-45 would appear to be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph. This indication of allowability is appreciated.

The issues as to 35 U.S.C. 112, second paragraph, have been above specifically addressed and, it is respectfully submitted, overcome by amendment and by pointing out features in drawings. Allowance of claims 41-45 would be appreciated.

On page 6 of the Office Action, it was stated that claims 37, 38, and 40 would appear to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. This indication of allowability is appreciated.

As to claim 37, this claim has been incorporated into independent claim 29. There are no intervening claims. Further claim 29 has been amended to address and, it is respectfully

submitted, overcome the 35 U.S.C. 112, second paragraph issues.

As to claim 38, this claim has been amended to incorporate therein the limitations of base claim 29. There are no intervening claims.

As to claim 40, this claim has been amended to incorporate therein the limitations of base claim 29. There are no intervening claims.

In light of the above, allowance of independent claim 29 and its dependent claims 30-31, 35-36 and 39 and independent claims 38 and 40 would be appreciated.

Citation of pertinent art (page 6 of the Office Action)

On page 6 of the Office Action, it was stated that the prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Inquiry contacts (page 6 of the Office Action)

On page 6 of the Office Action, contact information with the Patent Office was set out.

Summary

In light of the above, it is respectfully submitted that the present case is in condition for allowance.

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Marked up version showing changes

The specification has been amended as follows:

In the specification, please delete the paragraph on page 2, lines 2-5 and insert the following paragraph:

This application claims the benefit of U.S. Patent Application Number 08/794,429 filed February 5, 1997, now U.S. Patent Number 5,848,513, which in turn claimed the benefit under Title 35, United States Code § 119(e) of the United States provisional application number 60/011,265 filed February 7, 1996 and entitled Monolithic Shelter. Such provisional application number 60/011,265 is hereby incorporated by reference in its entirety into this application.

The claims have been amended as follows:

29. (Amended) A soffit adaptable for a shelter having a roof overhang and a wall structure, with the soffit adaptable for extending between the wall structure and the roof overhang, comprising, in combination: an I-joist, with the I-joist having an elongate web with a pair of opposing elongate edges and a pair of flanges on each of the elongate edges, with one of the flanges adaptable for being engaged to the wall structure of the shelter and adaptable for traveling along at least a portion of a perimeter of the wall structure, and with the other flange adaptable for being engaged to a portion of the roof overhang and following [such] said travel of the flange adaptable for being engaged to the wall structure, wherein the roof overhang comprises fascia and wherein one of the flanges is fixed to the fascia.

30. The soffit of claim 29 wherein the elongate web is fixed at generally a right angle to the wall structure.

31. The soffit of claim 29 wherein the I-joist is formed of an organic matter.

Claim 32 has been canceled.

Claim 33 has been canceled.

Claim 34 has been canceled.

35. The soffit of claim 29 wherein the roof overhang comprises a plurality of rafters, with one of the flanges of the I-joist being fixed to the rafters and traveling between the rafters.

36. (Amended) The soffit of claim 35 wherein the [rafter comprises an I-beam] rafters comprise I-beams adaptable for extending from the wall structure to an apex of the shelter.

Claim 37 has been canceled.

38. (Amended) A soffit adaptable for a shelter having a roof overhang and a wall structure, with the soffit adaptable for extending between the wall structure and the roof overhang, comprising, in combination: an I-joist, with the I-joist having an elongate web with a pair of opposing elongate edges and a pair of flanges on each of the elongate edges, with one of the flanges adaptable for being engaged to the wall structure of the shelter and adaptable for traveling along at least a portion of a perimeter of the wall structure, and with the other flange adaptable for being engaged to a portion of the roof overhang and following said travel of the flange adaptable for being engaged to the wall structure, [The soffit of claim 29] wherein a portion of the flange engaged to the wall structure is cut away whereby the shelter may be ventilated through the soffit.

39. The soffit of claim 29 wherein a portion of the web is cut away whereby the shelter may be ventilated through the soffit.

40. (Amended) A soffit adaptable for a shelter having a roof overhang and a wall structure, with the soffit adaptable for extending between the wall structure and the roof overhang, comprising, in combination: an I-joist, with the I-joist having an elongate web with a

pair of opposing elongate edges and a pair of flanges on each of the elongate edges, with one of the flanges adaptable for being engaged to the wall structure of the shelter and adaptable for traveling along at least a portion of a perimeter of the wall structure, and with the other flange adaptable for being engaged to a portion of the roof overhang and following said travel of the flange adaptable for being engaged to the wall structure. [The soffit of claim 29] wherein each of the flange and the web include a through portion formed therein whereby the shelter may be ventilated through the soffit.

41. (Amended) A roof overhang arrangement for a shelter comprising in combination:

a) a wall structure;

b) a plurality of rafters engaging the wall structure, with each of the rafters having a tail end;

c) fascia engaging at least some of the tail ends of the rafters and extending between at least some of the rafters; and

d) a soffit I-beam engaged to and between the wall structure and the tail ends of at least some of the rafters, with the I-beam comprising an elongate web fixed in and between a pair of flanges, with one of the flanges engaging the wall structure and traveling along at least a portion of a perimeter of such wall structure, and with the other of the flanges engaging the tail ends of at least some of the rafters and following [such] said travel of the flange engaged to the wall structure, with the fascia further being engaged to the flange which is engaged to at least some of the tail ends of the rafters.

42. The roof overhang arrangement of claim 41 wherein the web of the I-beam is disposed at generally a right angle relative to the wall structure of the shelter.

43. The roof overhang arrangement of claim 41 wherein each of the rafters comprises an I-beam extending from the wall structure to an apex of the shelter.

44. (Amended) A roof overhang arrangement for a shelter comprising in combination:

a) a wall structure;

b) a rafter engaging the wall structure and having a tail end;
c) fascia engaging the tail end of the rafter; and
d) a soffit I-beam engaged to and between the wall structure and the tail end of the rafter, with the I-beam comprising an elongate web fixed in and between a pair of flanges, with one of the flanges engaging the wall structure and traveling along at least a perimeter of the wall structure, and with the other of the flanges engaging the tail end of the rafter and following [such] said travel of the flange engaged to the wall structure, with the fascia further being engaged to the flange which is engaged to the tail end of the rafter, [with the elongate web comprising compressed wood strands arranged in layers at generally right angles to one another and bonded with a waterproof adhesive,] with the elongate web disposed at generally a right angle to the wall structure, and with the soffit I-beam having a through opening formed therein whereby the shelter may be ventilated through the soffit.

45. The roof overhang arrangement of claim 44 wherein the rafter comprises an I-beam extending from the wall structure to an apex of the shelter.